

**Board of Health**

William Morris, **Chairman**  
Mary Dolan Ciapciak, **Clerk**  
Richard Bringham, MD.  
Claire Wolfram  
Carol Johnson



**Town Hall**  
135 School Street  
Walpole, Ma. 02081  
Phone (508) 660-7321  
Fax (508) 668-2240

*Town of Walpole*  
*Commonwealth of Massachusetts*

**Regulation governing the minimum standards for Lifeguards of  
Public and Semi-Public swimming pools in the Town of Walpole**

In accordance with the authority granted by the general laws of the Commonwealth of Massachusetts, Chapter 111, Section 31, and 105 CMR 435.23 the Town of Walpole's Board of Health hereby establishes the following regulation for the safe operation of Public and Semi-Public swimming pools.

**1. Lifeguards:**

- A. The operator of any Public or Semi-Public pool shall provide lifeguards 17 years of age or older and meet the standards as set forth by CMR 435.23. All competent persons 16 years of age are encouraged to apply for eligibility to become a lifeguard by requesting a variance by submitting a letter of request with references about your competency. One lifeguard shall be provided for each 20 bathers.
- B. Lifeguards shall be in constant attendance during bathing hours and no bather shall be admitted to the swimming pool unless the lifeguards are present.

**2. Variances:**

A variance may be requested from these regulations by the operator, trustee, or agent of the pool. The Board of Health will consider such requests upon written application to the Board. Time will be made available at the next mutually convenient Board of Health Meeting for the applicant to present their request in person. The applicant must cite the regulation and persuade the Board, as stated in 105 CMR 435.46, that (1) the enforcement thereof would do manifest injustice; and (2) the applicant has to prove that the same degree of protection required under the Title can be achieved without strict application of the particular provision.

If a variance is granted for no lifeguard to be present you must provide, in accordance with 105 CMR 435.23, 24, and 46:

- A. A warning sign shall be posted in a conspicuous location, easy to read, legible letters at least 4" high shall state "WARNING – NO LIFEGUARD ON DUTY". Additional signs readily visible shall state "CHILDREN UNDER AGE SIXTEEN SHALL NOT USE THE POOL WITHOUT AN ADULT IN ATTENDANCE" and "ADULTS SHOULD NOT SWIM ALONE" and "NO ALCOHOL SHALL

BE PERMITTED IN THE POOL AREA and NO PERSONS CONSUMING ALCOHOL SHALL BE ALLOWED TO SWIM”.

- B. Appropriate Safety and First Aid equipment, as specified by 105 CMR 435.24, 25, shall be available.

And also:

- C. A written agreement to indemnify and hold harmless the TOWN and individual members of the Board of Health from claims for any incident or accidents in the pool area shall be made with the Board of Health and signed by the operator of the pool, a Trustee or Agent thereof.

Approvals and denials shall be in writing from the Board of Health and contain a brief statement of the reasons for its decision.

Variances expire at the end of the permit expiration date.

Adopted on February 22, 1994

Amended May 13, 1997

Amended June 15, 2004

Amended April 10, 2007